

TOWN OF HINGHAM

Board of Appeals



ZONING APPLICATION CHECKLIST

FORM 1 INSTRUCTIONS

Please collect the materials indicated below, which collectively make up an application to the Board of Appeals. The complete set of documents is filed with the Town Clerk, along with the filing fee. Duplicate copies of the items specified below are also filed with the Board of Appeals at the same time as the filing is made with the Town Clerk. Incomplete filings will not be accepted for processing and scheduling. Hearings are scheduled on a first-come, first-serve basis.

REQUIRED DOCUMENTS

FILE WITH CLERK	FILE WITH ZBA
<i>Number of Copies Specified Below</i>	

This Checklist (Form 1)

1

N/A

Application for Hearing (Form 2)

1

4

Supporting Statements – Requested Findings

Administrative Appeal (Form 2A)

Variance (Form 2B)

Special Permit A1 (Form 2C)

Special Permit A2 (Form 2D)

1

4

Evidence of Standing to Seek Relief

Deed or Certificate of Title

Signed Option to Purchase

Lease with Property Owner's Authorization Letter

1

N/A

Plot Plan

Plan shall show scale, north arrow, lot dimensions and area, existing building and structures. Include topography, floodplain, wetlands, and other features as relevant.

1

4

Plan(s) of Proposed

Site plan shall show scale, north arrow, dimensioned location of all improvements, including floor area, and elevations. Include, if applicable, physical features, off-street parking plan, landscape plan, grading, drainage, and lighting plans. Architectural plans shall include sufficient detail to demonstrate dimensions of buildings/structures, materials, and other details.

1

4

Other Applicable Information

Drainage Report and/or Traffic Impact Assessment, as required

Optional letters of support, photographs, etc.

1

4

Digital Copy of Application

Provide all documents electronically on compact disk or submit by email to ZBA@hingham-ma.gov

N/A

1

EXHIBIT 2

BOARD OF APPEALS

APPLICATION FILING FEE

Residential Variance.....	\$300.00
Commercial Variance.....	\$300.00 for the first 2000sq.ft./ \$100.00 for each additional 1000sq.ft. or portion thereof
Special Permits.....	\$300.00 for the first 2000sq.ft./ \$100.00 for each additional 1000sq.ft. or portion thereof
Applications requiring multiple permits...	100% of highest fee required by Board of Appeals in addition each additional permit 50% of required fee
Special Permit(s) and/or Variance(s) - Signs.....	\$300.00
Comprehensive Permit.....	\$250 per unit, in addition the applicant pays the cost of postage associated with abutter notifications and cost of the newspaper legal notice(s).
All Other Application(s).....	\$400.00



FORM 2

BOARD OF APPEALS
781-741-1494

PLANNING BOARD
781-741-1419

APPLICATION FOR ZONING HEARING

Application Date: 3/23/2020

The undersigned hereby petitions the Board of Appeals and/or the Planning Board for the following:

☐ Appeal☒ Variance☐ Special Permit A1☐ Special Permit A2☐ Site Plan Review☐ Special Permit A3Subject Property 29 PINE St. Hingham, MA Zoning District RESIDENTIAL C

Petitioner's Name DONALD SPRAGUE Address 29 PINE St. Hingham, MA
Name MARTHA SPRAGUE Address 29 PINE St. Hingham, MA
Name _____ Address _____

Brief Description of Work: SEEK AN AMENDMENT TO A PREVIOUSLY ISSUED VARIANCE
RELATED TO THE PROPERTY AT 29 PINE St. IN ZONING DISTRICT C. WE PURCHASED
THE PRE-EXISTING DWELLING IN 2019 AND WOULD LIKE TO CONSTRUCT AN
ATTACHED 2 CAR GARAGE TO THE DWELLING. AN AMENDMENT TO THE VARIANCE
IS NEEDED AS THE EXISTING DWELLING IS NOT WITHIN THE REQUIRED FRONT
SETBACK. THE CLOSEST POINT OF FRONT PORCH IS 39.7' FROM PROPERTY LINE AS OPPOSED TO THE 50'
REQUIRED.

Applicants for an **Appeal** must complete **Form 2A**Applicants for an **Variance** must complete **Form 2B**Applicants for a **Special Permit A1** must complete **Form 2C**Applicants for a **Special Permit A2** must complete **Form 2D**Applicants for a **Special Permit A3** must complete **Form 2E**

Jun-08



FORM 2

The undersigned is X the owner of the subject property, or _____ the holder of a written option to purchase the subject property, or _____ the holder of a valid lease to the subject property. (In this last instance written authorization from the property owner must be submitted with the other application documents.)

Record title to the subject property stands in the name(s):

DONALD G. SPRAGUE JR. & MARTHA B. SPRAGUE

Address of owner of record: 29 PINE ST., HINGHAM, MA 02043

Title Reference:

(Unregistered land) Plymouth County Registry of Deeds, Book 640, Page 106

(Registered land) Land Court Certificate of Title No. _____, Book _____, Page _____

State briefly what is currently on the premises:

SINGLE FAMILY 3 BEDROOM, 2 1/2 BATH, 2 STORY DWELLING, STORAGE SHED > 100 SQ. FEET. IN BACKYARD BEHIND DWELLING.

Attorney, agent, or other representative acting for petitioner:

Name: _____ Address: _____


Name: _____ Address: _____

Written evidence of agent's standing to represent petitioner may be requested.

Signed as a statement of fact under the pains and penalties of perjury, this 23rd day of MARCH, 2020.

(Petitioner/Agent)

SIGNATURE:



Print Name:

DONALD SPRAGUE

Address:

29 PINE ST., HINGHAM,

Tele. No.

(508) 259-1400

Check all that apply:

☒ Property Owner(s)

☒ Applicant

☐ Owner's Agent

☐ Applicant's Agent

Note: Do not attempt to discuss the merits of your case with any member of the Board of Appeals and/or the Planning Board at any time after this application and prior to the hearing thereon.

Mar-08



**SUPPORTING STATEMENT -
REQUESTED FINDINGS**

**FORM 2B
VARIANCE**

Petitioner DONALD SPRAGUE AND MARTHA SPRAGUE seeks
a Variance from Sections(s) IV-A: SCHEDULE OF DIMENSIONAL
REQUIREMENTS

of the Zoning By-Law for property located at 29 PINE ST., HINGHAM, MA 02043
and presents the following findings of fact in accordance with the provisions of
M.G.L. 40A, §10:

1. The following circumstances related to the soil conditions, shape, or topography especially affect the land or structure(s) in question, but do not affect generally the zoning district in which the land or structure(s) are located.

N/A, THE SOIL CONDITIONS, SHAPE AND TOPOGRAPHY DO
NOT AFFECT THE PLACEMENT OF THE CURRENT DWELLING.
OR THE PROPOSED CONSTRUCTION OF A GARAGE.

2. Owing to the circumstances described above, a literal enforcement of the provision of the Zoning By-Law would involve substantial hardship, financial or otherwise, to the undersigned for the following reasons.

WITH REGARDS TO THE NON-CONFORMING FRONT SET-BACK,
THE FINANCIAL BURDEN OF REMOVAL, ALTERATION, OR RELOCATION
OF THE FRONT PORCH IS UNREASONABLE. ALSO THE 10 YEAR STATUTE
OF LIMITATIONS APPLICABLE TO ACTIONS "TO COMPEL THE REMOVAL, ALTERATION,
OR RELOCATION OF ANY STRUCTURE BY REASON OF ANY ALLEGED VIOLATION" OF
ZONING HAS PASSED.

Mar-08



FORM 2B

3. Relief may be granted without substantial detriment to the public good for the following reasons.

THE CURRENT DWELLING HAS BEEN IN PLACE FOR 15 YEARS
WITHOUT DETRIMENT TO THE NEIGHBORHOOD. THE CURRENT
PLACEMENT OF DWELLING IS CONSISTENT WITH PLACEMENT
OF ADJACENT HOMES IN THE NEIGHBORHOOD.

4. Relief may be granted without nullifying or substantially derogating from the intent or purpose of the Zoning By-Law for the following reasons.

ALTHOUGH THE SETBACKS ARE BASED OFF THE PROPERTY LINE, THE
CLOSEST POINT OF FRONT PORCH IS 53' FROM PAVED STREET. THE SETTING
OF DWELLING APPEARS SUFFICIENT AND CONSISTENT WITH THE
NEIGHBORHOOD CHARACTER.

NOTE: The law does not permit the Board of Appeals to grant a Variance unless all of the legal requirements are satisfied. Each one of the above findings must be answered in detail.

The rights authorized by a Variance expire one year from the date the decision is filed with the Town Clerk, unless exercised or extended in accordance with the terms of M.G.L. 40A, §10.

Date

3/23/2020

SIGNATURE


(Petitioner/Agent)

Address

29 PINE ST.

HINGHAM, MA 02043

Tel. No.

(508) 259-1400

Please attach additional sheets if space provided is insufficient.

TOWN OF HINGHAM
Board of Appeals



**SUPPORTING STATEMENT
REQUESTED FINDINGS**

**FORM 2F
M.G.L. CH. 40A §6 FINDING**

Petitioner DONALD SPRAGUE & MARTHA SPRAGUE
asks the Board of Appeals, pursuant to § III-I C of the Zoning By-Law, to make a Finding under M.G.L. Ch. 40A § 6 that Petitioner's proposed change, extension or alteration shall not be substantially more detrimental than the existing nonconforming use (or structure) to the neighborhood.

1. Please identify the particular existing use for the land or structure:
THE EXISTING USE OF LAND / STRUCTURE IS A RESIDENTIAL PROPERTY.
2. Please identify the particular respect or respects in which the existing structure or use does not conform to the requirements of the present zoning:
THE PRE EXISTING DWELLING UPON PURCHASE WAS NOT WITHIN THE 50' FRONT SETBACK. THE CLOSEST POINT OF FRONT PORCH TO PROPERTY LINE IS 39.7'.
3. Please identify the particular proposed use for the land or structure and the particular proposed change, extension or alteration:
THE LAND IS A RESIDENTIAL LOT WITH A PRE-EXISTING DWELLING. WE SEEK TO CONSTRUCT AN ATTACHED 2 CAR GARAGE TO THE DWELLING. THE PROPOSED GARAGE WOULD HAVE A WIDTH OF 28' AND DEPTH OF 26' AND WOULD LIE WITHIN ALL REQUIRED SETBACKS.
4. Please identify your reasons why the proposed change, extension or alteration will not be substantially more detrimental than the exiting nonconforming use to the neighborhood:

THE PROPOSED ADDITION OF A GARAGE TO THE EXISTING DWELLING WOULD LIE WITHIN ALL REQUIRED SET BACKS. THE DESIGN OF THE PROPOSED GARAGE IS CONSISTANT WITH THE ORIGINAL APPROVED PLANS AND OF SIMILAR STYLE TO THE CURRENT DWELLING. THE ADDITION OF THIS GARAGE WOULD BENEFIT THE OVERALL CHARACTER OF THE NEIGHBORHOOD AND WOULD BE VIEWED POSITIVELY BY THE NEIGHBORS.

SIGNATURE:

Print Name:

DONALD SPRAGUE, SPRAGUE ^{MARTHA}

Address:

29 PINE ST., HINGHAM MA

Tel. No.

(508) 259-1400, (203) 687-6922

E-Mail:

dgsprague79@gmail.com

marthabeebe@gmail.com

Check all that apply:

- | | |
|-------------------------------------|-------------------|
| <input checked="" type="checkbox"/> | Property Owner(s) |
| <input checked="" type="checkbox"/> | Applicant |
| <input type="checkbox"/> | Owner's Agent |
| <input type="checkbox"/> | Applicant's Agent |

Please attach additional sheets if space provided is insufficient.

TOWN OF HINGHAM - BOARD OF APPEALS

Notice to Persons Filing Applications to the Board of Appeals

In accordance with Massachusetts General Laws Chapter 40A, section 11, notice of any hearing before the Board of Appeals must be given to "parties in interest." The statute defines parties in interest as the "petitioner (applicant); abutters; owners of land directly opposite on any public or private street or way; and abutters to the abutters within three hundred feet of the property line of the petitioner, as they appear on the most recent applicable tax list, notwithstanding that the land of any such owner is located in another city or town; the Planning Board of the city or town and the Planning Board of every abutting city or town."

The statute further provides that the Assessors shall certify to the Board of Appeals the names and address of all parties in interest.

The Board's rules provide that no application to the Board of Appeals shall be filed with the Town Clerk unless it is accompanied by the list of parties in interest certified by the Assessor of the appropriate town. In order to obtain such certification the petitioner shall deliver to the Assessors the list of parties in interest.